

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Seventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.80 of 2019

in CRL.R.C.NO.12/2019

R.SHOBHA

[ PETITIONER ]

Vs

RAJESWARI

[ RESPONDENT ]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC No.12 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 04.10.2018 made C.A.No.33 of 2017 on the file of the Learned Fourth Additional District and Sessions Court, Coimbatore by confirming the conviction imposed in the judgment dated 18.01.2017 made in C.C.No.311 of 2015 on the file of the learned Judicial Magistrate/Fast Track Court No.2 (Magisterial Level), Coimbatore (Transferred C.C.No.228/15, Judicial Magistrate No.2, Coimbatore) and enlarge the petitioner on bail pending disposal of the above Crl.RC.12/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.12 of 2019 on the file of the High Court and upon hearing the arguments of M/S.N.MANOKARAN, Advocate for the petitioner the court made the following order:-

The petitioner/appellant was convicted for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo one year simple imprisonment and to pay a fine of Rs.2000/-, in default, to undergo simple imprisonment for one week, by the learned Judicial Magistrate, Fast Track Court, Coimbatore, under judgment, dated 18.01.2017, in C.C.No.311 of 2015. The conviction and sentence imposed by the trial Court were confirmed by the learned IV Additional District and Sessions Judge, Coimbatore, under judgment in C.A.No.33 of 2017, dated 04.10.2018. Hence, the petitioner seeks suspension of sentence.

2.The learned counsel for the petitioner/appellant would submit that there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses.

3. In view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the revision, as contended by learned counsel for petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

4. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on the following conditions:

(i) The petitioner/appellant shall deposit 50% of the cheque amount, i.e. a sum of Rs.04,08,000/- (Rupees Four lakhs eight thousand only) to the credit of C.C.No.311 of 2015, on the file of the Metropolitan Magistrate, Fast Track Court at Magistrate Level II, Coimbatore, within a period of four weeks from the date of receipt of a copy of this order;

(ii) The petitioner/appellant/accused shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of learned Metropolitan Magistrate, Fast Track Court No.II (Magistrate Level), Coimbatore;

(iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. pending disposal of the revision.

(iv) In case the conditions are not complied with, the interim order of suspension of sentence shall stand vacated automatically without further reference to this Court.

-sd/-  
07/01/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE/  
FAST TRACK COURT NO.2, (MAGISTERIAL LEVEL),  
COIMBATORE.

2 THE JUDICIAL MAGISTRATE,  
NO.7, COIMBATORE.

3 THE IV, ADDL. DISTRICT AND  
SESSIONS JUDGE, COIMBATORE.

+1 C.C. to M/S.N.MANOKARAN Advocate on payment of necessary charges-Sr.449

Order

in

CRL MP.80/2019

in CRL.R.C.NO.12/2019

Date :07/01/2019

From 7.2.2001 the Registry is issuing certified  
copies of the BAIL/Anti.BAIL Orders in this format  
ths : 09.01.2019